

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

HORIZON AG-PRODUCTS,

Plaintiff,

vs.

No. CIV 09-1109 JB/DJS

PRECISION SYSTEMS ENGINEERING,  
INC., MICHAEL MCMULLIN, RICHARD  
TODD, BRENT MAXWELL, and  
CONVEYORS AND EQUIPMENT, INC.,

Defendants,

and

PRECISION SYSTEMS ENGINEERING,  
INC., MICHAEL MCMULLIN, RICHARD  
TODD, and BRENT MAXWELL,

Counter-Claimants.

vs.

HORIZON AG-PRODUCTS,

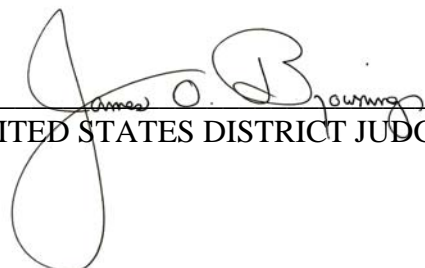
Counter-Defendant.

**MEMORANDUM OPINION AND ORDER**

**THIS MATTER** comes before the Court on: (i) Defendant Precision Systems Engineering, Inc.'s Motion Requesting an Immediate Rule 16 Conference, filed April 15, 2011 (Doc. 123); and (ii) Plaintiff Horizon AG-Products' Response to Request for Immediate Rule 16 Conference and Plaintiff's Motion to Stay All Discovery and to Compel Mediation and/or Settlement Conference, filed April 15, 2011 (Doc. 124). The Court held a hearing on April 18, 2011. The primary issues

are whether: (i) the Court should order the parties to attend a rule 16 conference; and (ii) whether the Court should stay all discovery. Pursuant to the parties' agreement at the April 18, 2011 hearing, the Court grants in part and denies in part the motions. For the reasons stated on the record at the hearing, the Court grants the parties' request that the Court order the parties to attend mediation and/or a settlement conference on May 25, 2011. The Court also orders all discovery stayed, with the exception of the Bryant Casto's deposition. The parties may, however, schedule depositions to occur in the event mediation fails.

**IT IS ORDERED** that the Court: (i) grants in part and denies in part Defendant Precision Systems Engineering, Inc.'s Motion Requesting an Immediate Rule 16 Conference, filed April 15, 2011 (Doc. 123), granting PSE's request for a prompt rule 16 conference, granting the request for a mediation and/or a settlement conference on May 25, 2011, and denying PSE's request to continue the trial setting; (ii) grants in part and denies in part Plaintiff Horizon AG-Products' Response to Request for Immediate Rule 16 Conference and Plaintiff's Motion to Stay All Discovery and to Compel Mediation and/or Settlement Conference, filed April 15, 2011 (Doc. 124), granting the request for a prompt rule 16 conference, granting the request that the Court order a mediation and/or settlement conference, and granting the request to stay discovery, with the exception of Bryant Casto's deposition; and (iii) the Court orders the parties and the Court to attend a scheduling conference on May 26, 2011 at 8:30 a.m.

  
UNITED STATES DISTRICT JUDGE

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